

**CHAPTER NO. 180**

**HOUSE BILL NO. 564**

**By Representatives Henri Brooks, Cooper, Bowers, Lois DeBerry, Larry Turner, Brown, Mike Turner**

**Substituted for: Senate Bill No. 208**

**By Senator Dixon**

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, relative to motor vehicle safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 55-8-192.

(a) No driver shall operate a school bus as defined by § 55-8-101(53) on any highway while using a hand held mobile telephone while such vehicle is in motion and such vehicle is transporting children; provided that this section shall not apply to mobile telephone, or two-way radio, communications made to and from a central dispatch, school transportation department or its equivalent.

(b) For the purposes of this section, unless the context otherwise requires, "mobile telephone" means a cellular, analog, wireless or digital telephone.

(c) A violation of this section is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

(d) It is an affirmative defense to prosecution under this subsection, which must be proven by a preponderance of the evidence, that the driver's use of a mobile telephone was necessitated by a bona fide emergency.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.

PASSED: May 7, 2003

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 22<sup>nd</sup> day of May 2003

  
PHIL BREDESEN, GOVERNOR